

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20456

Hon. Matthew F. Leitman

vs.

D-1 LAWRENCE SAFFOLD, JR,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, an Indictment issued on July 23, 2015, charging Defendant LAWRENCE SAFFOLD, JR. in Count One with Possession with Intent to Distribute Controlled Substances in violation of 21 U.S.C. § 841(a)(1); in Count Two with Felon in Possession of Firearms in violation of 18 U.S.C. § 922(g)(1); and in Count Three with Possession of Firearms in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c).

WHEREAS, the Indictment contains a Forfeiture Allegation providing notice to the defendant pursuant to Fed.R.Cr.P. 32.2(a) of the government's intention to seek forfeiture to the United States of any firearm and ammunition involved in the commission of the offense(s).

WHEREAS, on or about November 2, 2015, Defendant LAWRENCE SAFFOLD, JR. entered into a Rule 11 Plea Agreement (“Rule 11”) pursuant to which he pleaded guilty to Count Two of the Indictment, charging Felon in Possession of Firearms.

WHEREAS, in his Rule 11 Defendant agreed, pursuant to 18 U.S.C. § 924(d) to the forfeiture of firearms, including the following firearm involved in the violation of 18 U.S.C. § 922(g):

- One (1) Glock handgun, .40 caliber, model 23, serial number XUS360;

WHEREAS, with respect to the above-identified firearm contained within the Rule 11, the Defendant agreed to the entry of one or more orders of forfeiture of his interest in such property, and any ammunition loaded within or seized at the time, upon application by the United States at, or any time before, sentencing in this case.

WHEREAS, Fed. R. Crim. P. 32.2(b)(2)(A) and (B) directs the Court to enter a preliminary order of forfeiture directing the forfeiture of specific property that it finds is subject to forfeiture sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications, before the order becomes final as to the defendant under Rule 32.2(b)(4), unless doing so is impractical.

WHEREAS, Defendant LAWRENCE SAFFOLD, JR. is scheduled to be sentenced on March 3, 2016, making it appropriate for the Court to enter a preliminary order of forfeiture with regard to the subject property.

WHEREAS, Title 18, United States Code, Section 924(d) mandates the forfeiture of “any firearms or ammunition intended to be used” in violation Title 18 U.S.C. §§ 922(g)(1); 924(e).

NOW, THEREFORE, based upon the Indictment, the Rule 11, the government’s application and the information in the record;

IT IS HEREBY ORDERED that any and all interest of Defendant LAWRENCE SAFFOLD, JR. in the following property IS HEREBY FORFEITED to the United States for disposition in accordance with law, and any right, title or interest of Defendant LAWRENCE SAFFOLD, JR., and any right, title or interest that his heirs, successors or assigns, have or may have in said property IS HEREBY AND FOREVER EXTINGUISHED:

- One (1) Glock handgun, .40 caliber, model 23, serial number XUS360;

IT IS FURTHER ORDERED that pursuant to 21 U.S.C. § 853(n), Fed. R. Crim. P 32.2(b)(6) and Rule G(6) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish notice of this Preliminary Order of Forfeiture utilizing the internet site, www.forfeiture.gov,

for at least thirty consecutive days. The government shall also send notice to any person who appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding. The notice shall direct that any person asserting a legal interest in the subject property, other than Defendant LAWRENCE SAFFOLD, JR., may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the subject property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioner's claim, and the relief sought.

IT IS FURTHER ORDERED that following the Court's disposition of any petitions for ancillary hearing, and upon proof of publication and notice to any persons known to have alleged an interest in the subject property, the United States shall have clear title to the property and shall be authorized through the Bureau of Alcohol, Tobacco, Firearms, and Explosives to dispose of the forfeited assets as prescribed by law.

IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 32.2(c)(2) this Preliminary Order of Forfeiture shall become final as to the Defendant upon entry and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture as provided under Fed. R. Crim. P. 32.2(c)(2).

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this Order and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e)(2)(A).

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 29, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 29, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113